

WEAPONS

Proliferation

**Agreement Between the
UNITED STATES OF AMERICA
and ROMANIA**

Signed at Washington March 30, 1998

and

Agreement Amending the Agreement
Effected by Exchange of Notes at
Bucharest January 16 and June 14, 2004

and

Agreement Extending the Agreement
Effected by Exchange of Notes at
Bucharest July 7 and November 2, 2010

and

Protocol Amending and Extending the Agreement
Signed at Bucharest July 5, 2012



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

ROMANIA

Weapons: Proliferation

Agreement signed at Washington March 30, 1998;

Entered into force July 8, 2003.

And agreement amending the agreement.

Effected by exchange of notes at Bucharest

January 16 and June 14, 2004;

Entered into force July 5, 2004.

And agreement extending the agreement.

Effected by exchange of notes at Bucharest

July 7 and November 2, 2010;

Entered into force November 2, 2010.

And protocol amending and extending the agreement.

Signed at Bucharest July 5, 2012;

Entered into force July 6, 2012.

**AGREEMENT
BETWEEN
THE GOVERNMENT OF
THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF
ROMANIA
CONCERNING
COOPERATION IN THE AREA OF COUNTERPROLIFERATION OF WEAPONS OF
MASS DESTRUCTION, AND THE PROMOTION OF DEFENSE AND MILITARY
RELATIONS**

The Government of the United States of America and the Government of Romania,
hereinafter referred to as the Parties,

With a view to countering the proliferation of weapons of mass destruction, and technology,
materials, and expertise related to such weapons;

Desiring to prevent the unauthorized transfer, including transit, and transportation of nuclear,
biological, and chemical weapons and related materials;

Desiring to promote cooperation between the Government of the United States of America
and the Government of Romania in the area of defense and military relations;

Have agreed as follows:

ARTICLE I

As mutually agreed, the Government of the United States of America may assist the
Government of Romania in achieving various objectives, including the following, through the
provision or loan of equipment, supplies, materials, technology, training, or services:

- (a) Countering the proliferation of weapons of mass destruction,
and technology, materials, and expertise related to such weapons;
- (b) Preventing unauthorized transfer, including transit, and transportation of
nuclear, biological or chemical weapons and related materials;
- (c) Promoting cooperation between the Government of the United States of
America and the Government of Romania in the area of defense and military

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Nte
[Signature]

relations, including but not limited to, regular meetings between senior and mid-level military officials, visits and exchanges, and other bilateral contact activities.

ARTICLE II

1. The Parties, through their Executive Agents, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement.
2. In case of any inconsistency between this Agreement and any implementing agreements, the provisions of this Agreement shall prevail.

ARTICLE III

Each Party shall designate an Executive Agent to implement this Agreement. For the Government of the United States of America, the Executive Agent shall be the Department of Defense. For the Government of the Romania, the Executive Agent for matters related to Article 1(c) shall be the Ministry of National Defense, and for matters related to Article 1(a) and (b), shall be the National Agency for Control of Strategic Exports and Prohibition of Chemical Weapons.

ARTICLE IV

Except as otherwise provided in this Agreement, the terms of this Agreement shall apply to all equipment, supplies, materials, technology, training or services provided by the Government of the United States of America in accordance with this Agreement or implementing agreements, and to all related activities and personnel.

ARTICLE V

1. The Government of Romania shall facilitate the entry and exit of employees of the Government of the United States of America and contractor personnel of the Government of the United States of America into and out of the territory of Romania for the purpose of carrying out activities in accordance with this Agreement.
2. Any landing fees, navigation charges, port charges, tolls, parking fees, charges for security, and any other charges applicable to aircraft and vessels operated by the Department of Defense of the United States of America in connection with activities pursuant to this Agreement in Romania shall be borne by the Government of Romania.

3. If an aircraft other than a regularly scheduled commercial aircraft is used by the Government of the United States of America for transportation to Romania, its flight plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft, including in the remarks section of the flight plan a confirmation that the appropriate clearance has been obtained. The Government of Romania shall provide parking and security for aircraft of the Government of the United States of America.

ARTICLE VI

Unless the written consent of the Government of the United States of America has first been obtained, the Government of Romania shall not transfer title to, or possession of, any equipment, supplies, materials, technology, training or services provided by the Government of the United States of America pursuant to this Agreement to any entity, other than an officer, employee or agent of a Party to this Agreement and shall not permit the use of such equipment, supplies, materials, technology, training or services for purposes other than those for which it has been furnished. The Government of Romania shall take all reasonable measures within its power to ensure the security of equipment, supplies, materials, technology, training or services provided by the Government of the United States of America pursuant to this Agreement and shall protect them against seizure or conversion.

ARTICLE VII

1. The Government of Romania shall, in respect of legal proceedings and claims, other than contractual claims, hold harmless and indemnify the Government of the United States of America and its personnel, contractors, and contractors' personnel, against damages to property, or death or injury to any persons in Romania, arising out of activities under this Agreement.

2. The provisions of this Article shall not prevent the Parties from providing compensation in accordance with their national laws.

ARTICLE VIII

The activities of the Government of the United States of America under this Agreement are subject to availability of appropriated funds.

ARTICLE IX

Military and civilian employees of the Government of the United States of America present in the territory of Romania for activities related to this Agreement shall be accorded privileges and

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immunities equivalent to that accorded administrative and technical staff personnel in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961.

ARTICLE X

1. The Government of the United States of America, its personnel, contractors, and contractors' personnel shall not be liable, in connection with activities under this agreement, to pay any taxes, customs duties, or similar charges assessed within the territory of Romania.

2. The Government of the United States of America, its personnel, contractors, and contractors' personnel may import into, and export out of, Romania any equipment, supplies, materials, technology, training, or services required to implement this Agreement. Such importation and exportation shall not be subject to restrictions, customs duties, taxes or any other charges assessed within the territory of Romania. Any inspection required by Romanian law shall be limited to the review of appropriate documentation.


3. If any license is necessary for the import or export of equipment, supplies, materials, technology, training or services under this Agreement, the appropriate Executive Agent for the Government of the Romania shall be responsible for obtaining and providing the necessary license in an expeditious manner.

ARTICLE XI

In the event that the Government of the United States of America awards contracts for the acquisition of articles and services, including construction, to implement this Agreement, such contracts shall be awarded in accordance with the laws and regulations of the Government of the United States of America. Acquisition of articles and services in Romania by or on behalf of the Government of the United States of America in implementing this Agreement shall not be subject to any taxes, customs duties or similar charges assessed within the territory of Romania.

ARTICLE XII

Upon written request provided thirty days in advance, representatives of the Government of the United States of America shall have the right during the period of this Agreement and for three years thereafter, to examine the use of any material, training or other services provided by the Government of the United States of America in accordance with this Agreement, at sites of their location or use, and shall have the right to audit and examine all records or documentation related to the use of material or services provided in accordance with this Agreement. Any information obtained by the Government of the United States of America as a result of such



audits and examinations shall be treated as sensitive and shall, subject to the laws and regulations of the Government of the United States of America, not be disclosed to a third party without the prior consent of the Government of Romania.

ARTICLE XIII

This Agreement shall enter into force upon the date on which the Parties exchange diplomatic notes confirming the completion by each Party of all applicable procedures required for the entry into force of this Agreement, and shall remain in force for seven years. This Agreement may be amended or extended by the written agreement of the Parties and may be terminated by either Party upon ninety days written notification to the other Party of its intention to do so. Notwithstanding the termination of this Agreement or the implementing agreements, the obligations of the Government of the Romania in accordance with Articles VI and VII of this Agreement shall continue to apply without respect to time, unless otherwise agreed in writing by the Parties.

DONE at Washington, D.C. this 30th day of March, 1998, in duplicate, in the English and Romanian languages, both texts being equally authentic.

FOR THE GOVERNMENT
OF THE UNITED STATES
OF AMERICA

A handwritten signature in black ink, appearing to read "William A. Cohen", with a stylized flourish at the end.

WILLIAM S. COHEN
SECRETARY OF DEFENSE

FOR THE GOVERNMENT
OF ROMANIA

A handwritten signature in black ink, appearing to read "Constantin Dudu Ionescu", with a stylized flourish at the end.

CONSTANTIN DUDU IONESCU
MINISTER OF NATIONAL DEFENSE

A handwritten mark or signature in the bottom right corner, consisting of a stylized 'M' or 'W' shape with a vertical line through it.

A C O R D
intre
GUVERNUL STATELOR UNITE ALE AMERICII
si
GUVERNUL ROMANIEI
PRIVIND COOPERAREA IN DOMENIUL CONTRACARARII
PROLIFERARII ARMELOR DE DISTRUGERERE IN MASA
SI PROMOVAREA RELATIILOR MILITARE SI DE
APARARE

Guvernul Statelor Unite ale Americii si Guvernul Romaniei,
denumite in continuare Parti,

In vederea contracararii proliferarii armelor de distrugere in
masa, a tehnologiilor, materialelor si expertizei aferente acestor arme,

Dorind sa previna transferul neautorizat, inclusiv tranzitul si
transportul neautorizat de arme nucleare, biologice, chimice si de
materiale aferente,

Dorind sa promoveze cooperarea intre Guvernul Statelor Unite
ale Americii si Guvernul Romaniei in domeniul relatiilor militare si de
aparare,

Au convenit urmatoarele:

ARTICOLUL I

Dupa cum s-a convenit, Guvernul Statelor Unite ale Americii
poate sprijini Guvernul Romaniei in atingerea diferitelor obiective,
inclusiv a celor de mai jos, prin furnizarea sau imprumutarea de
echipamente, bunuri, materiale, tehnologii, instruire sau servicii:

- a) Contracararea proliferarii armelor de distrugere in masa, a
tehnologiilor, materialelor si expertizei aferente acestor arme;
- b) Prevenirea transferului neautorizat, inclusiv a tranzitului,
precum si a transportului neautorizat de arme nucleare,
biologice, chimice si de materiale aferente;

- c) Promovarea cooperarii intre Guvernul Statelor Unite ale Americii si Guvernul Romaniei in domeniul relatiilor militare si de aparare, care include dar nu se limiteaza la intalniri periodice ale oficialilor militari de nivel inalt si mediu, vizite si schimburi, precum si alte activitati bilaterale.

ARTICOLUL II

1. Partile, prin Agentii lor Executivi, pot incheia acorduri sau intelegeri de implementare corespunzatoare pentru indeplinirea obiectivelor stabilite in Articolul I al acestui Acord.

2. In cazul existentei vreunei incompatibilitati intre acest Acord si vreunul dintre acordurile de implementare, prevederile acestui Acord vor prevala.

ARTICOLUL III

Fiecare Parte va desemna un Agent Executiv pentru aplicarea Acordului. Pentru Guvernul Statelor Unite ale Americii, Agentul Executiv va fi Departamentul Apararii. Pentru Guvernul Romaniei, Agentul Executiv pentru problemele aratate in Articolul I (c) va fi Ministerul Apararii Nationale, iar pentru problemele specificate in Articolul I (a) si (b) va fi Agentia Nationala de Control al Exporturilor Strategice si al Interzicerii Armelor Chimice.

ARTICOLUL IV

Daca Acordul nu prevede altfel, termenii folositi in Acord se vor referi la toate echipamentele, bunurile, materialele, tehnologiile, activitatile de instruire sau serviciile asigurate de catre Guvernul Statelor Unite ale Americii conform cu acest Acord sau intelegerile de implementare, precum si la toate categoriile de personal si activitatile conexe.

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ARTICOLUL V

1. Guvernul Romaniei va facilita intrarea si iesirea angajatilor si personalului contractantilor Guvernului Statelor Unite ale Americii pe si de pe teritoriul Romaniei in scopul desfasurarii activitatilor prevazute in acest Acord.

2. Orice taxe de aterizare, navigatie, de port, de drum, de parcare, pentru asigurarea pazei si protectiei si oricare alte taxe aplicabile aeronavelor si navelor utilizate de Departamentul Apararii al Statelor Unite ale Americii pentru desfasurarea in Romania a activitatilor prevazute in acest Acord vor fi suportate de catre Guvernul Romaniei.

3. Daca o aeronava, alta decat o aeronava comerciala care executa zboruri regulate, va fi folosita de catre Guvernul Statelor Unite ale Americii pentru transport in Romania, planul sau de zbor va fi prezentat conform procedurilor Organizatiei Aviatiei Civile Internationale care se aplica aeronavelor civile si va include in sectiunea de observatii a planului de zbor confirmarea ca autorizarea necesara a fost obtinuta. Guvernul Romaniei va asigura parcare si paza avioanelor Guvernului Statelor Unite ale Americii.

ARTICOLUL VI

Daca nu a fost obtinut mai intai consimtamantul scris al Guvernului Statelor Unite ale Americii, Guvernul Romaniei nu va transfera catre altcineva proprietatea sau posesia nici unuia din echipamentele, bunurile, materialele, tehnologiile, activitatile de instruire sau serviciile asigurate de catre Guvernul Statelor Unite ale Americii, conform acestui Acord, in afara de un oficial, angajat sau agent al unei Parti la acest Acord si nu va permite folosirea unor asemenea echipamente, bunuri, materiale, tehnologii, activitati de instruire sau servicii pentru alte scopuri decat cele pentru care au fost furnizate. Guvernul Romaniei va lua toate masurile rezonabile de care dispune pentru a asigura securitatea echipamentelor, bunurilor, materialelor, tehnologiilor, activitatilor de instruire sau serviciilor asigurate de catre Guvernul Statelor Unite ale Americii conform acestui Acord si le va proteja impotriva confiscarii sau insusirii ilegale.

ARTICOLUL VII

1. Guvernul Romaniei, conform cu procedurile legale in materie de despagubiri civile, altele decat cele izvorate din contracte, va proteja si va asigura Guvernul Statelor Unite ale Americii si personalul sau, contractantii sai si personalul contractantilor sai, in cazul daunelor aduse proprietatii, al decesului sau vatamarii corporale a oricarei persoane din Romania, rezultand din activitatile desfasurate potrivit prezentului Acord.

2. Prevederile acestui articol nu vor impiedica Partile sa asigure compensatii, conform legilor lor nationale.

ARTICOLUL VIII

Activitatile Guvernului Statelor Unite ale Americii, rezultate din prezentul Acord, se vor desfasura sub rezerva alocarii fondurilor necesare.

ARTICOLUL IX

Militarilor si civililor angajati ai Guvernului Statelor Unite ale Americii - prezenti pe teritoriul Romaniei pentru activitatile prevazute in Acord, li se vor acorda privilegiile si imunitatile echivalente acelor care se acorda personalului administrativ si tehnic conform Conventiei privind Relatiile Diplomatice, semnate la Viena la 18 Aprilie 1961.

ARTICOLUL X

1. Guvernul Statelor Unite ale Americii, personalul sau, contractantii sai si personalul contractantilor sai nu vor fi obligati sa plateasca, pe teritoriul Romaniei, impozite, taxe vamale sau impuneri similare, pe timpul executarii activitatilor prevazute in Acord.

2. Guvernul Statelor Unite ale Americii, personalul sau, contractantii sai si personalul contractantilor sai au voie sa importe in, si sa exporte din Romania, orice echipamente, bunuri, materiale, tehnologii, activitati de instruire si servicii cerute de aplicarea prezentului Acord. Astfel de importuri si exporturi nu vor fi supuse restrictiilor sau taxelor vamale, impozitelor sau oricaror altor impuneri



pe teritoriul Romaniei. Orice inspectie ceruta de legea romana trebuie limitata la examinarea documentelor corespunzatoare.

3. Daca este necesara o licenta pentru importul sau exportul echipamentelor, bunurilor, materialelor, tehnologiilor, activitatilor de instruire sau serviciilor de sub incidenta Acordului, Agentul Executiv corespunzator al Guvernului Romaniei va fi responsabil pentru obtinerea si furnizarea licentei necesare cat mai repede posibil.

ARTICOLUL XI

In eventualitatea ca Guvernul Statelor Unite ale Americii incheie contracte de achizitionare de bunuri si servicii, inclusiv contracte de constructii, pentru aplicarea acestui Acord, astfel de contracte vor fi acordate in conformitate cu legislatia si regulamentele Guvernului Statelor Unite ale Americii. Achizitionarea de bunuri si servicii in Romania de catre sau in numele Guvernului Statelor Unite ale Americii pentru aplicarea prezentului Acord nu va fi supusa, pe teritoriul Romaniei, nici unui impozit, taxe vamale, sau impuneri similare.

ARTICOLUL XII

Printr-o cerere scrisa, inaintata cu 30 de zile in avans, reprezentantii Guvernului Statelor Unite ale Americii vor avea dreptul, pe perioada prezentului Acord si inca trei ani dupa acesta, sa examineze utilizarea oricarui material, instruire sau alte servicii asigurate de Guvernul Statelor Unite ale Americii in conformitate cu prezentul Acord, la locul lor de pastrare/desfasurare sau utilizare, si vor avea dreptul sa verifice si sa examineze toate evidentele sau documentatia legate de utilizarea materialelor sau serviciilor furnizate in conformitate cu prezentul Acord. Orice informatie obtinuta de catre Guvernul Statelor Unite ale Americii ca urmare a unor asemenea verificari si examinari trebuie tratata ca sensibila si, daca legile si reglementarile Guvernului Statelor Unite ale Americii nu prevad altfel, aceasta nu trebuie sa fie transmisa unei terte parti fara consimtamantul prealabil al Guvernului Romaniei.

ARTICOLUL XIII

Prezentul Acord va intra in vigoare la data la care Partile vor face schimbul de note diplomatice care sa confirme indeplinirea de catre fiecare Parte a tuturor procedurilor necesare cerute de intrarea in vigoare a prezentului Acord si va ramane in vigoare pe o durata de sapte ani. Prezentul Acord poate fi amendat sau prelungit prin acordul scris al ambelor Parti si poate fi denuntat de oricare din Parti printr-o notificare scrisa transmisa celeilalte Parti, cu 90 de zile inainte, despre intentia de a-l denunta. In pofida denuntarii prezentului Acord sau intelegurilor de implementare, obligatiile Guvernului Romaniei, in conformitate cu Articolele VI si VII ale prezentului Acord vor continua sa fie aplicate fara limita in timp, daca Partile nu convin in scris altfel.

Incheiat la Washington D.C. la data de 30 martie 1998, in doua exemplare, in limbile engleza si romana, ambele texte fiind egal autentice.

**PENTRU GUVERNUL
STATELOR UNITE ALE AMERICII**



**WILLIAM S. COHEN
SECRETAR AL APARARII**

**PENTRU GUVERNUL
ROMANIEI**



**CONSTANTIN DUDU IONESCU
MINISTRUL APARARII NATIONALE**



The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Romania. The Embassy proposes, on behalf of the Government of the United States of America, to amend Article II, paragraph 1, of the Agreement between the Government of the United States of America and the Government of Romania Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations, which was signed at Washington March 30, 1998, and entered into force July 8, 2003 ("the Agreement"), to read as follows:

"1. The Parties, through their Executive Agents as well as through other ministries and agencies of the Parties, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement."

If this proposal is acceptable to the Government of Romania, it is further proposed that this note, together with the Ministry's affirmative note of reply, shall constitute an agreement between the Government of the United States of America and the Government of Romania, which shall enter into force on the date of the Ministry's reply.

The Embassy also wishes to express the understanding of the Government of the United States of America that the provisions of the Agreement apply to radiological dispersal devices and radioactive materials, including but not limited to radioactive sources, suitable for use therein. The Embassy requests the Ministry of Foreign Affairs to confirm, in the Ministry's reply to this note, that the Government of Romania shares this understanding.

The Embassy avails itself of this occasion to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,

Bucharest, January 16, 2004.

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DIPLOMATIC NOTE



ROMANIA * THE MINISTRY OF FOREIGN AFFAIRS

No. E III-3/1286

The Ministry of Foreign Affairs of Romania presents its compliments to the Embassy of the United States of America and refers to the Embassy's note no. 13 / 2004, dated the 16th of January 2004, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Romania. The Embassy proposes, on behalf of the Government of the United States of America, to amend Article II, paragraph 1, of the Agreement between the Government of the United States of America and the Government of Romania Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations, which was signed at Washington March 30, 1998, and entered into force July 8, 2003 ("the Agreement"), to read as follows:

"1. The Parties, through their Executive Agents as well as through other ministries and agencies of the Parties, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement."

If this proposal is acceptable to the Government of Romania, it is further proposed that this note, together with the Ministry's affirmative note of reply, shall constitute an agreement between the Government of United States of America and the Government of Romania, which shall enter into force on the date of the Ministry's reply.

The Embassy also wishes to express the understanding of the Government of the United States of America that the provisions of the Agreement apply to radiological dispersal devices and radioactive materials, including but not limited to radioactive sources, suitable for use therein. The Embassy requests the Ministry of Foreign Affairs to confirm, in the Ministry's reply to this note, that the Government of Romania shares this understanding.

The Embassy avails of itself of this occasion to renew to the Ministry of Foreign Affairs the assurances of its highest consideration."

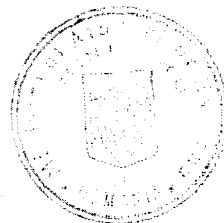
The Ministry of Foreign Affairs of Romania has the honor to confirm that the proposal set forth in the Embassy's note is acceptable to the Government of Romania and that the Embassy's note and this note in reply shall constitute an agreement between the two Governments which shall enter into force on the date the Government of Romania shall notify the completion of the requirements of its national legislation in this regard.

Furthermore, the Ministry of Foreign Affairs of Romania confirms that the Government of Romania shares the understanding of the Government of the United States of America that the provisions of the Agreement apply to radiological dispersal devices and radioactive materials, including but not limited to radioactive sources, suitable for use therein.

The Ministry of Foreign Affairs of Romania avails itself of this opportunity to renew to the Embassy of the United States of America the expression of its highest consideration. *6*

Bucharest, June 14, 2004

The Embassy of the United States of America
- in town -



No. 2010/147

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Romania and has the honor to refer to discussions between representatives of the two governments and proposes an extension of the Agreement between the Government of the United States of America and the Government of Romania Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations (the "Agreement"), dated March 30, 1998, as amended, for one year, until July 8, 2011.

If this proposal is acceptable to the Government of Romania, it is further proposed that this Note, together with the Ministry's affirmative Note in reply, shall constitute an agreement between the two governments extending the

DIPLOMATIC NOTE

Agreement, which shall enter into force on the date of the Ministry's reply Note,
with effect from July 8, 2010.

The Embassy of the United States of America avails itself of this
opportunity to renew to the Ministry of Foreign Affairs of Romania the assurances
of its highest consideration.

Embassy of the United States of America,

Bucharest, 7 July 2010.





ROMANIA
Ministerul Afacerilor Externe

Nicola Alexandru nr. 31, Sector 1
Bucharest 011821, Romania

Tel.: +40 (0)21 219 2113
+40 (0)21 317 2125
Fax: +40 (0)21 312 4867
www.mae.ro

H2-3/1854

The Ministry of Foreign Affairs of Romania presents its compliments to the Embassy of the United States of America in Bucharest and has the honor to confirm the receipt of the Verbal Note of the Embassy of the United States of America no. 2010/147 of 7 July 2010, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Romania and has the honor to refer to discussions between representatives of the two governments and proposes an extension of the Agreement between the Government of the United States of America and the Government of Romania Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations (the "Agreement"), dated March 30, 1998, as amended, for one year, until July 8, 2011.

If this proposal is acceptable to the Government of Romania, it is further proposed that this Note, together with the Ministry's affirmative Note in reply, shall constitute an agreement between the two governments extending the Agreement, which shall enter into force on the date of the Ministry's reply Note, with effect from July 8, 2010.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Romania the assurances of its highest consideration".

The Ministry of Foreign Affairs informs the Embassy of the United States of America that the Government of Romania agrees to the above mentioned proposal.

The Ministry of Foreign Affairs of Romania avails itself of this opportunity to renew to the Embassy of the United States of America in Bucharest the assurances of its highest consideration.

Bucharest, 2 November 2010



The Embassy of the United States of America
Bucharest

**PROTOCOL TO AMEND AND EXTEND
THE AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF ROMANIA
CONCERNING
COOPERATION IN THE AREA OF COUNTERPROLIFERATION OF WEAPONS OF
MASS DESTRUCTION, AND THE PROMOTION OF DEFENSE AND MILITARY
RELATIONS, SIGNED IN WASHINGTON, ON MARCH 30, 1998**

The Government of the United States of America and the Government of Romania,

Acting pursuant to Article XIII of the Agreement between the Government of the United States of America and the Government of Romania Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations, signed at Washington, March 30, 1998, as amended and extended (the "Agreement"),

Have agreed as follows:

Article 1

Article X of the Agreement shall be replaced by the following text:

"Article X

1. The Government of the United States of America, its personnel, contractors, and contractors' personnel shall not be liable, in connection with activities under this Agreement, to pay any taxes, customs duties, or similar charges assessed within the territory of Romania.
2. The Government of the United States of America, its personnel, contractors, and contractors' personnel may import into Romania for official needs, and export out of Romania any equipment, supplies, materials, technology, training or services required to implement this Agreement. Such importation and exportation shall not be subject to restrictions, customs duties, taxes or any other charges assessed within the territory of Romania. Any inspection required by Romanian law shall be limited to the review of appropriate documentation.
3. Paragraphs 1 and 2 shall be implemented consistent with the procedural requirements of the legislation of Romania.
4. Taxes, customs duties or other charges cited in paragraphs 1 and 2, which are paid by the Government of the United States of America, its personnel, contractors, and contractors' personnel, shall be fully and promptly reimbursed by the Government of Romania.
5. If any license is necessary for the import or export of equipment, supplies, materials, technology, training or services under this Agreement, the appropriate Executive Agent or other implementing authority for the Government of Romania shall be responsible for obtaining and providing the necessary license in an expeditious manner."

Article 2

Article XI of the Agreement shall be replaced by the following text:

"Article XI

1. In the event that the Government of the United States of America awards contracts for the acquisition of articles and services, including construction, to implement this Agreement, such contracts shall be awarded in accordance with the laws and regulations of the Government of the United States of America. The Government of the United States of America, its personnel, contractors, and contractors' personnel shall not be liable to pay, in connection with acquisition of articles and services in Romania in implementing this Agreement, any taxes, customs duties or similar charges.

2. Paragraph 1 shall be implemented consistent with the procedural requirements of the legislation of Romania.

3. Taxes, customs duties or other charges cited in paragraph 1, which are paid by the Government of the United States of America, its personnel, contractors, and contractors' personnel, shall be fully and promptly reimbursed by the Government of Romania."

Article 3

The term of the Agreement shall be extended for seven years, until July 8, 2019, and shall thereafter be automatically extended for additional seven-year periods, unless terminated in accordance with Article XIII of the Agreement.

Article 4

This Protocol shall enter into force, with effect from July 8, 2012, on the date of a diplomatic note by which the Government of Romania notifies the Government of the United States of America of the fulfillment of its internal procedures necessary for the entry into force of this Protocol.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Bucharest, in duplicate, this 5 day of July 2012, in the English and Romanian languages, both texts being equally authentic.



**FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:**



**FOR THE GOVERNMENT OF
ROMANIA:**